

REMARKS

This Amendment is being filed in response to the Final Office Action mailed January 21, 2009, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-5 and 14 remain in this application. Claims 2 and 6 have been currently canceled without prejudice, claims 7-13 had been previously canceled without prejudice, and claim 14 had been previously added. Claim 1 is independent.

In the Final Office Action, the Examiner indicated that FIG 1 should be labeled Prior Art. In response, FIG 1 has been amended to include the legend --Prior Art--. A replacement sheet including FIG 1 is enclosed. Applicants respectfully requests approval of the enclosed proposed drawing changes.

In the Final Office Action, the Examiner objected to claims 2-3 for certain informalities. Applicants respectfully traverse, however to advance prosecution, claim 2 has been canceled without

prejudice and claim 3 has been amended for better clarity. Accordingly, withdrawal of the objection to claims 2-3 is respectfully requested.

In the Final Office Action, claims 1-6 and 14 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully disagree and submit that the Application fully complies with the written description requirement, and reasonably conveys that the inventors, at the time the Application was filed, had possession of the claimed invention. However, to advance prosecution, the specification has been amended for better conformance with the claims. No new matter is added.

For example, as described on page 7, line 24 to page 8, line 22 and shown in FIGs 7-9, first and second data layers are described and shown as reference numerals 5, 15; first and second transparent layers are described and shown as reference numerals 4, 14; a first label layer is described and shown as reference numerals 8, a second label layer are described and shown as reference numerals 8' or 18 (FIG 7, page 7, line 28, and FIG 9, page 8, line 12), and a third label layer is described and shown as

reference numerals 10 (FIG 9, page 8, line 20); first and second substrate layers are described and shown as reference numerals 9, 19 in FIG 7; a third substrate is also described and shown as reference numeral 6 (page 4, line 20); a fourth substrate is also described and shown as reference numeral 9 in FIG 9 (page 8, line 12); and a fifth substrate is also described and shown as reference numeral 19 in FIG 8 (page 8, line 8), which may include label material 13 as shown in FIG 9 (page 8, lines 19-22). Further, page 7, lines 24-32 and FIG 7 also clearly show and describe two lasers beams 1, 21 at first and second laser entry sides of a double sided optical disc 3.

In the Final Office Action, claims 1-6 and 14 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Applicants respectfully traverse. However, to advance prosecution, claims 1, 3, 5-5 and 14 have been amended for better clarity and claim 2 has been canceled without prejudice. Further, claim 1, line 8 recites "label material" thus providing proper antecedent basis for "the label material" on line 18 and on line 26. Claim 1, line 10 recites "light" thus providing proper antecedent bases for "the light" on line 19. It is respectfully submitted that this

rejection of claims 1-6 and 14 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Final Office Action, claims 1-2, 4-6 and 14 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,510,163 (Sullivan). Claim 3 is rejected under 35 U.S.C. §103(a) over Sullivan in view of U.S. Patent Application Publication No. 2003/0012562 (Lawandy). It is respectfully submitted that claims 1, 3-5 and 14 are patentable over Sullivan and Lawandy for at least the following reasons.

Sullivan is directed to an optical recording medium for storing data and having a visible logo on a read side of the medium for providing some anti-counterfeiting protection. As shown in FIG 1, a logo coating 14 is provided on a top or read side of a substrate 10. A recording coating 6 is provided on the bottom side of the substrate 10. A similar optical recording medium is shown in FIG 8.

Lawandy is directed to a method and apparatus for providing markings upon objects, including the read side of an optical information media, where the markings do not substantially interfere with object.

It is respectfully submitted that Sullivan and Lawandy, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

a first transparent layer at a first side of the optical disc, a first portion of the data being retrievable from the first data layer via the first transparent layer by a first reading laser beam, the first transparent layer comprising a first substrate layer and a first label layer provided to a user of the optical disc without label information and formed from label material for forming a first label at a first laser entry side of the disc by reflection or absorption of light at a range of wavelengths in the visual spectrum; ...

the label material being transparent for light at the wavelength of the reading laser beam, wherein the reflection or the absorption is affectable by illuminating the label material for the forming of the first label and the second label by the user;

wherein the first transparent layer includes a third label layer provided to the user without the label information and formed from a further label material, the first label layer and the third label layer being separated by a fourth substrate layer;

wherein, in the label material, reflection or absorption of light at a first range of wavelengths is affectable by illuminating the material by the user;

and

wherein, in the further label material, reflection or absorption of light at a second range of wavelengths is affectable by illuminating the material by the user, the second range of wavelengths being different from the first range of wavelengths.

Sullivan, Lawandy, and combination thereof do not disclose or suggest a transparent layer that includes two labels, namely, a first label layer formed from label material and a third label layer formed from a further label material, where the first label layer and the third label layer are separated by a fourth substrate layer, as recited in independent claim 1. Rather, Sullivan discloses a logo coating 14 on one side of a substrate 10, namely, either on the top side 12 (FIG 1) or on the bottom side 88 (FIG 8) of the substrate 10.

Further, Sullivan, Lawandy, and combination thereof do not disclose or suggest an optical disc with label layers provided to a user without label information on the label layers, where the label material of the label layers is affectable by illuminating the material by the user, as recited in independent claim 1. Rather, Sullivan and Lawandy disclose discs that already include labels provided by the manufacturer, for example. Providing a disc to a user with label layers that do not include label information provides substantial benefits, such as allowing the user write his or her own customized labels.


Accordingly, it is respectfully submitted that independent

claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-5 and 14 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
March 16, 2009

Enclosure: Replacement drawing sheet (1 sheet including FIG 1)

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101